

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK,	:
	:
Plaintiff,	:
	:
-v-	:
	:
CHAD F. WOLF, <i>in his official capacity as Acting</i>	:
<i>Secretary of Homeland Security, et al.,</i>	:
	:
Defendants.	:
	:
-----X	
R. L'HEUREUX LEWIS-MCCOY et al., <i>on behalf of</i>	:
<i>themselves and all similarly situated individuals,</i>	:
	:
Plaintiffs,	:
	:
-v-	:
	:
CHAD WOLF, <i>in his official capacity as Acting</i>	:
<i>Secretary of Homeland Security, et al.,</i>	:
	:
Defendants.	:
	:
-----X	

20-CV-1127 (JMF)

20-CV-1142 (JMF)

**NOTICE OF INITIAL
PRETRIAL CONFERENCE**

JESSE M. FURMAN, United States District Judge:

It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court on **March 26, 2020**, at **4:00 p.m.** in **Courtroom 1105** of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. All counsel are required to register promptly as filing users on ECF and to familiarize themselves with the SDNY ECF Rules & Instructions, which are available at <https://www.nysd.uscourts.gov/electronic-case-filing>. **All counsel must also familiarize themselves with the Court's Individual Rules, which are available at <https://www.nysd.uscourts.gov/hon-jesse-m-furman>.** Absent leave of Court obtained by letter-motion filed before the conference, all pretrial conferences must be attended by the attorney for each party who will serve as principal trial counsel.

As of this order, no motion for consolidation has been filed, but case number 20-CV-1142 has been accepted by the Court as related to case number 20-CV-1127, and the cases appear to involve common questions of law and fact. Thus, the Court is inclined to consolidate

the cases pursuant to Rule 42 of the Federal Rules of Civil Procedure for all purposes. Counsel in both cases shall promptly confer and be prepared to discuss at the initial conference whether and to what extent the two cases should be consolidated or otherwise coordinated.

In addition, counsel in both cases are directed to confer with each other prior to the conference regarding settlement and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 conference. Furthermore, in accordance with Paragraph 2.B of the Court's Individual Rules and Practices, the parties in both cases are hereby **ORDERED** to file on ECF a **single joint letter addressing both cases**, described below, and, if appropriate, a proposed Civil Case Management Plan and Scheduling Order addressing both cases and attached as an exhibit to the joint letter, no later than **Thursday of the week prior to the initial pretrial conference**. The parties shall use this Court's form Proposed Civil Case Management Plan and Scheduling Order, which is also available at <https://www.nysd.uscourts.gov/hon-jesse-m-furman>. Any open legal issues can be addressed at the conference.

The joint letter shall not exceed five (5) pages, and shall provide the following information in separate paragraphs:

- (1) A brief statement of the nature of the actions and the principal defenses thereto;
- (2) A brief explanation of why jurisdiction and venue lie in this Court;
- (3) A brief statement of the parties' views on whether and to what extent the two cases should be consolidated (pursuant to Rule 42 of the Federal Rules of Civil Procedure) or otherwise coordinated;
- (4) A statement of all existing deadlines, due dates, and/or cut-off dates;
- (5) A brief description of any outstanding motions;
- (6) A brief description of whether discovery is necessary or appropriate, whether any discovery that has already taken place, and of any discovery that is necessary for the parties to engage in meaningful settlement negotiations;
- (7) A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any;
- (8) A statement confirming that the parties have discussed the use of alternate dispute resolution mechanisms and indicating whether the parties believe that (a) a settlement conference before a Magistrate Judge; (b) participation in the District's Mediation Program; and/or (c) retention of a privately retained mediator would be appropriate and, if so, when in the case (*e.g.*, within the next sixty days; after the depositions of Plaintiffs are completed; after the close of fact discovery; etc.) the use of such a mechanism would be appropriate; and
- (9) Any other information that the parties believe may assist the Court in advancing the cases to settlement or trial, including, but not limited to, a description of any

dispositive issue or novel issue raised by the cases.

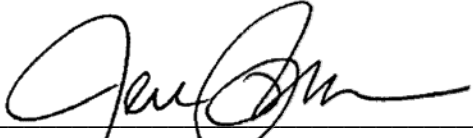
If the cases have been settled or otherwise terminated, counsel are not required to submit such letter or to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is filed on ECF prior to the date of the conference, using the appropriate ECF Filing Event. *See* SDNY ECF Rules & Instructions §§ 13.17-13.19 & App'x A, available at <https://www.nysd.uscourts.gov/electronic-case-filing>.

In accordance with the Court's Individual Rules and Practices, requests for an extension or adjournment may be made only by letter-motion filed on ECF and must be received at least 48 hours before the deadline or conference. The written submission must state (1) the original date(s); (2) the number of previous requests for adjournment or extension; (3) whether these previous requests were granted or denied; (4) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent; and (5) the date of the parties' next scheduled appearance before the Court. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

Counsel who have entered a notice of appearance as of the issuance of this order are directed (1) to notify counsel for all other parties in this action who have not yet appeared by serving upon each of them a copy of this order and the Court's Individual Rules and Practices forthwith, and (2) to file proof of such notice with the Court. If unaware of the identity of counsel for any of the parties, counsel receiving this order must forthwith send a copy of this order and the Court's Individual Rules and Practices to that party personally.

SO ORDERED.

Dated: February 24, 2020
New York, New York



JESSE M. FURMAN
United States District Judge